23 August 1999

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Committee on Conferences
Substantive session of 1999
Agenda item 5

Participation of observers

Note by the Secretariat

1. At the 413th meeting of the Committee on Conferences, on 4 September 1998, the matter of low attendance by delegations at its meetings was raised. The Committee recommended that, after its organizational session of 1999, a letter should be transmitted to all members to make them aware of the problem and to encourage their participation in its deliberations. Such a letter was addressed to all members on 6 July 1999.

2. At the same meeting, the matter of the attendance of observers and their participation in the work of the Committee was raised. The view was expressed that interested delegations which were not members of the Committee should be encouraged to participate, particularly in the light of the low attendance on the part of members. The view was also expressed that, while non-members might attend meetings, which were in fact open to all delegations, participation by observers would inevitably result in lengthier sessions. The Committee decided to defer further consideration of the matter to its organizational session for 1999.

3. Furthermore, by paragraph 2 of its resolution 53/208 A, of 18 December 1998, the General Assembly invited "the Committee on Conferences to consider the question of the participation of observers in the work of the Committee in accordance with the relevant rules of procedure of the General Assembly".

4. At its organizational meeting, on 21 April 1999, the Committee on Conferences considered the participation of observers under item 5, entitled Other business, of the provisional agenda for the organizational session for 1999. Subsequently, the Chairman proposed the following procedure:

(a) An announcement would be made in the *Journal* sufficiently in advance of a meeting of the Committee, inviting non-members to participate as observers by sending a request in writing to the secretariat of the Committee on Conferences;

(b) On the basis of the written request, the Secretariat would reserve a seat (at the table) with the observer's nameplate;

(c) The observer would fully participate in the work of the Committee, and could also introduce proposals;

(d) Should the Committee members not endorse a proposal introduced by an observer, the proposal would not pass. An observer could not block a consensus reached by the Committee;

(e) The above procedure would be indicated to the observer at the time the Secretariat responds to the written request.

Since no consensus was reached on the above procedure, the Committee decided to consider the matter further at its next meeting.

5. Prior to the formal meeting of the Committee, the Chairman held informal consultations with interested members on the subject of observers. In these, the view was expressed that more information was needed on the practice

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and experience of other subsidiary bodies of the General Assembly on the issue of observers before a decision could be made.

6. At its 417th meeting, on 23 June 1999, the Committee on Conferences decided to add an item to the agenda for its substantive session of 1999, entitled "Participation of observers", and requested the Secretariat to prepare a conference room paper on the subject that would include information on any formal or informal procedures, practices and experiences of subsidiary bodies of the General Assembly relating to the participation of observers. The present note has been prepared pursuant to that request.

7. The only reference to observers in the rules of procedure of the General Assembly appears in paragraph 112 of annex V, which states that the

> "Special Committee is of the opinion that subsidiary organs of the General Assembly should, where appropriate, have the authority to invite a Member State which is not a member of the organ concerned to participate without vote in the discussion of a matter which the organ considers to be of particular interest to that Member State".

8. In an attempt to gather information, the secretariats of a core sample of subsidiary bodies of the General Assembly were requested to complete a questionnaire on the participation of observers in those organs. The data received are tabulated in the annex to the present note.

9. From the information provided on the bodies listed in the annex and from discussions with committee secretaries, it appears that each organ has established its own procedure. Some general practices followed by these bodies, however, can be summarized as follows:

(a) After an announcement in the *Journal* or on receipt of a note verbale, Member States, and in some cases United Nations agencies, United Nations programmes, intergovernmental organizations and non-governmental organizations, can express an interest in participating in the work of a committee;

(b) Nameplates for observers are placed in protocol after the members;

(c) In some committees, observers can only make statements; in others, they can also introduce proposals;

(d) The number of observers which participate and the extent to which they do it, depend on the interest in the agenda item or the expertise to be provided.

10. With regard to the experience with observers to subsidiary bodies of the Economic and Social Council, information was provided for the Committee for Programme and Coordination, a committee comprised of 34 members elected on a regional basis. Its practice is governed by rule 72 of the rules of procedure of the Economic and Social Council, which reads as follows:

> "1. The Council shall invite any Member of the United Nations that is not a member of the Council, and any other State, to participate in its deliberations on any matter of particular concern to that State.
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> "2. A committee or sessional body of the Council shall invite any State that is not one of its own members to participate in its deliberations on any matter of particular concern to that State.
>
> "3. A State thus invited shall not have the right to vote, but may submit proposals which may be put to the vote on request of any member of the body concerned."

11. In the report of the Committee for Programme and Coordination to the General Assembly at its fifty-third session,[1] reference is made to the role of observers in paragraphs 357 and 358, under chapter V, entitled "Improving the working methods and procedures of the Committee for Programme and Coordination within the framework of its mandate". In paragraph 368 of the same report, the Committee recommended that "Observers should be given a full opportunity to participate in meetings of the Committee in the deliberations on any matter of particular concern to them, in accordance with the relevant rules of procedure".

12. In paragraph 624 of its most recent report,[2] the Committee for Programme and Coordination "affirmed the shared responsibility of the members, observers and the Secretariat in improving the working methods and procedures of the Committee for Programme and Coordination within the framework of its mandate". Furthermore, in paragraph 631, the Committee reiterated that "in accordance with the rules of procedure of the Economic and Social Council, observers may participate in its deliberations on any matter of particular concern to them" and reaffirmed "the responsibility and privileges of its members in the decision-making process and the recommendations they adopt".

13. In conclusion, there is no formally established procedure for the participation of observers in the work of a committee. Each committee may adopt its own procedure which is reviewed periodically in the light of experience gained. The extent to which observers participate has differed, based on the interest in specific terms.

Notes

[1] *Official Records of the General Assembly, Fifty-third Session, Supplement No. 16* (A/53/16).

[2] Ibid., *Fifty-fourth Session, Supplement No. 16* (A/54/16).

Participation of observers in a sampling of United Nations bodies

Organ	*Membership*	*Average number of observers*	*Procedure*	*Participation*
Committee on Information	93 Governments Term is indefinite Regional representation in Bureau	26 Member States, Holy See, agencies, programmes	Note verbale sent to all members Also sent separately to non-members and specialized agencies	Participation encouraged Some request membership in later years Some remain traditional observers
Special Committee on Peacekeeping Operations	100 Governments Open to troop-contributor countries After three years of being an observer, a Member State can apply for membership	11 Member States, Switzerland	Request participation in writing in advance of meetings Nameplates after membership protocol	Make statements during general debate Attend meetings of working groups Do not introduce texts
Committee on the Exercise of the Inalienable Rights of the Palestinian People	25 Governments Term is indefinite Palestine is a member of the Bureau	21 Member States, Palestine, League of Arab States and Organization of the Islamic Conference	Informed through *Journal* Nameplates after membership protocol	Participate actively in deliberations Make statements Introduce proposals
Committee on Relations with the Host Country	19 Governments Regional representation	5	48-hour written notice no longer required Inform Chairperson at beginning of meeting Text of statement to be provided 48 hours in advance Nameplates after membership protocol	Make statements only after statements by members Attend based on interest in item under discussion
United Nations Commission on International Trade Law	36 Governments Six-year term Regional representation	50 Member States, regional commissions, United Nations programmes, intergovernmental organizations, non-governmental organizations	No formal procedure	Observers with expertise in a particular field are invited to make statements and introduce proposals
Special Committee on the Situation with Regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples	24 Governments Regional representation Open-ended term	2–4	Advance written request required Nameplates after membership protocol	Only make statements Cannot introduce proposals

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